

106TH CONGRESS
2D SESSION

S. 2989

To provide for the technical integrity of the FM radio band, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. MCCAIN (for himself and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the technical integrity of the FM radio band, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Low Power Radio Act
5 of 2000”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to ensure the technical
8 integrity of the FM radio band, while permitting the intro-
9 duction of low power FM transmitters into such band
10 without causing harmful interference.

1 **SEC. 3. HARMFUL INTERFERENCE PROHIBITED.**

2 (a) IN GENERAL.—Any low-power FM radio licensee
3 determined by the Federal Communications Commission
4 to be transmitting a signal causing harmful interference
5 to one or more licensed radio services shall, if so ordered
6 by the Commission, cease the transmission of the inter-
7 fering signal, and may not recommence transmitting such
8 signal until it has taken whatever action the Commission
9 may prescribe in order to assure that the radio licensee
10 that has sustained the interference remains able to serve
11 the public interest, convenience and necessity as required
12 by the Commission's rules.

13 (b) COMPLAINT.—Any radio service licensee may file
14 a complaint with the Commission against any low-power
15 FM radio licensee for transmitting a signal that is alleged
16 to cause harmful interference.

17 (c) EXPEDITED CONSIDERATION.—In any complaint
18 filed pursuant to the provisions of subsection (b), the
19 Commission shall render a final decision no later than 150
20 calendar days after the date on which the complaint was
21 filed.

22 (d) REIMBURSEMENT OF COSTS.—In any final deci-
23 sion rendered pursuant to this section, the Commission is
24 authorized to order the losing party to reimburse the rea-
25 sonable direct costs incurred in the complaint proceeding
26 by the winning party.

1 (e) PUNITIVE DAMAGES.—In any final decision ren-
2 dered pursuant to this section, the Commission is author-
3 ized to impose punitive damages not to exceed 5 times the
4 low-power FM station’s costs if the Commission finds that
5 the complaint was frivolous and without any merit or pur-
6 pose other than to impede the provision of non-interfering
7 low-power FM service.

8 (f) SECTION 316(a)(3) OF COMMUNICATIONS ACT.—
9 Section 316(a)(3) of the Communications Act of 1934 (47
10 U.S.C. 316(a)(3)) shall not apply to a complaint filed pur-
11 suant to this section.

12 (g) RULES.—The Commission shall adopt rules im-
13 plementing the provisions of this section within 120 days
14 after the date of enactment of this Act.

15 (h) HARMFUL INTERFERENCE DEFINED.—For pur-
16 poses of this section, the term “harmful interference”
17 means interference which endangers the functioning of a
18 radio navigation service or of other safety services or that
19 seriously degrades, obstructs, or repeatedly interrupts a
20 radio service operating in accordance with the rules and
21 regulations of the Federal Communications Commission.

1 **SEC. 4. DIGITAL RADIO TRANSITION.**

2 The Federal Communications Commission shall com-
3 plete all rulemakings necessary to implement the transi-
4 tion to digital radio no later than June 1, 2001.

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